

**21116. Misbranding of canned peas. U. S. v. 93 Cases and 140 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29741. Sample no. 16373-A.)**

This case involved a shipment of canned peas which contained an excessive amount of hard peas, and which was not labeled to indicate that it was sub-standard.

On January 10, and March 4, 1933, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 233 cases of canned peas at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about August 1, 1932, by A. W. Sisk & Son, from Taneytown, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Green-Glo Brand \* \* \* Early June Peas. Albert W. Sisk & Son Distributors, Preston, Md."

It was alleged in the libels that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of an excessive amount of hard peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 24, 1933, A. W. Sisk & Son, Preston, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be disposed of until brought into conformity with the law under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21117. Adulteration of canned shrimp. U. S. v. 375 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29778. Sample no. 21080-A.)**

This case involved a quantity of canned shrimp which was in part decomposed.

On January 26, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 375 cases of canned shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about December 29, 1932, by the Louisiana Packing Co., from Houma, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kellogg's Supreme Quality Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On May 24, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21118. Adulteration of butter. U. S. v. Springfield Creamery Co. Plea of guilty. Fine, \$1. (F. & D. no. 29474. I. S. no. 23291.)**

This action was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On May 15, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Springfield Creamery Co., a corporation, Springfield, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 6, 1932, from the State of Oregon into the State of Washington, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On May 15, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21119. Misbranding of cottonseed meal, cottonseed cake, and cottonseed screenings. U. S. v. Southland Cotton Oil Co. Plea of guilty. Fine, \$325. (F. & D. no. 29379. I. S. nos. 23819, 23823, 23825, 45583, 45584, 45586.)**

This case was based on various interstate shipments of cottonseed meal, cake, and screenings. Examination of the articles showed that certain sacks in all lots were short weight, and that the product in two of the shipments contained less than 43 percent of protein, the declared protein content.

On February 9, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southland Cotton Oil Co., a corporation, Waxahachie, Tex., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about October 7, October 21, October 28, October 30, November 4, and November 5, 1931, from the State of Texas into the State of Kansas, of quantities of cottonseed meal, cake, and screenings that were misbranded. Portions of the articles were labeled in part: "100 Lbs. Net Southland's Cottonseed Cake and Meal Prime Quality Guaranteed Analysis Crude Protein, not less than 43% \* \* \* Made \* \* \* By Southland Cotton Oil Co. \* \* \* Paris, Texas." One lot was labeled: "Interstate Brand 43% Protein Cotton Seed Cake & Meal Prime Quality \* \* \* 100 Pounds Net \* \* \* Made For Interstate Feed Company Fort Worth, Texas."

It was alleged in the information that the articles were misbranded in that the statements, "100 Lbs. Net" or "100 Pounds Net", borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the statements represented that each of the sacks contained 100 pounds; whereas each of a number of sacks in all of the shipments contained less than 100 pounds. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. Misbranding was alleged with respect to two lots of the "Southland's Cottonseed Cake and Meal" for the further reason that the statement, "Guaranteed Analysis Crude Protein 43%," was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the product in the said two lots contained less than 43 percent of protein. On May 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$325.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21120. Adulteration of apples. U. S. v. 76 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond for removal of deleterious ingredients. (F. & D. no. 29146. Sample no. 24891-A.)**

This case involved a shipment of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On or about October 7, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on September 30, 1932, by Tony Lombardo, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 4, 1932, Tony Lombardo, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the deleterious ingredients be removed by washing, under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*